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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ARTHUR RODRIGUEZ,

No. C 05-05068 SBA (PR)

Plaintiff,

**ORDER DENYING MOTION FOR
CERTIFICATE OF APPEALABILITY AS
UNNECESSARY**

v.

M. S. EVANS, et al.,

Defendants.

/

In this pro se civil rights action, Plaintiff filed a Motion for a Certificate of Appealability ("COA") and a Notice of Appeal. However, a COA, formerly known as a certificate of probable cause to appeal, is only required in a habeas corpus proceeding. See 28 U.S.C. § 2253(c). Therefore, Plaintiff's request for a COA is DENIED as unnecessary.

This Order terminates Docket no. 85.

IT IS SO ORDERED.

DATED: 9/2/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RODRIGUEZ,
5 Plaintiff,
6 v.
7 EVANS et al,
8 Defendant.

Case Number: CV05-05068 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on September 3, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

13
14
15 Joseph Arthur Rodriguez K66400
16 Centinela State Prison
P.O. Box 731
17 Imperial, CA 92251-0731

18 Dated: September 3, 2009

19 Richard W. Wiking, Clerk
By: LISA R CLARK, Deputy Clerk